

REMARKS

Claims 1-27 are pending.

The specification has been amended to include serial numbers of the patent applications mentioned therein.

Claims 2-4 and 8 have been cancelled. Claim 1 has been amended to include the limitations currently found in claim 8. Claims 9, 13-14, 16, 18-19, and 21, which formerly depended on claim 8, have been amended to depend on claim 1.

The cancellation of claim 4 renders the outstanding rejection of claim 4 under 35 U.S.C. §112, second paragraph, moot.

Claims 1-2, 5, and 23-24 stand rejected under 35 U.S.C. §102(e) over Okunaka, while claims 1-5 and 23-27 stand rejected under 35 U.S.C. §102(e) over Kim. Claim 8 was not included in this rejection and is thus allowable over the cited prior art patents. The amendment of claim 1, which is the sole independent claim, to include the limitations of claim 8, overcomes these rejections.

Claims 1-22 stand provisionally rejected under 35 U.S.C. §101 over claims 1-22 of copending application no. 10/714,266. However, a rejection under §101 for statutory double patenting requires the claims at issue to be identical. It is not sufficient that the claims cover overlapping subject matter. In the latter case, the appropriate rejection would be for obviousness-type double patenting, which can be overcome by submission of a terminal disclaimer.

Here, claims 1-22 of the present application are not identical to claims 1-22 of USSN 10/714,266. Therefore, to the extent any rejection is appropriate, it would be for obviousness-type double patenting. Indeed, claims 1-24 of USSN 10/714,266 have been rejected for obviousness-type double patenting over claims 1-22 of the present application. In the case of USSN 10/714,266, applicants are submitting a terminal disclaimer to address the obviousness-type double patenting rejection. Applicants will also file a terminal disclaimer in the present application to overcome what should be a rejection for obviousness-type double patenting, rather than statutory double patenting.

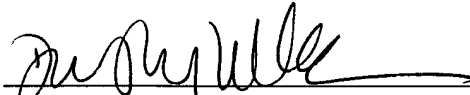
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Serial No. : 10/714,837
Filed : November 14, 2003
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Attorney's Docket No.: 14414-016001

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/27/05


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